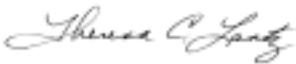
 <p>State of Connecticut Department of Correction</p>	Directive Number 10.19	Effective Date April 9, 2004	Page 1 of 7
	Supersedes Americans With Disabilities Act – October 12, 1999		
Approved By 	Title Americans With Disabilities Act		

1. **Policy.** The Department of Correction is required to make reasonable accommodations or modifications to allow qualified inmates with disabilities the same opportunities of non-disabled inmates unless to do so would be an undue burden to the Department, cause a fundamental alteration to a program or might tend to jeopardize the safety or security of staff, inmates or any facility.

2. **Authority and Reference.**
 - A. Connecticut General Statutes, Sections 18-81, 46a-51(15), 46a-51(20), 46a-61(1), 46a-63, 46a-63(2) and 46a-77.
 - B. Americans with Disabilities Act, 1990, 42 U.S.C., Section 12101 et seq.
 - C. American Correctional Association, Standards for Adult Local Detention Facilities, Third Edition, Revised August 1995, Standard 3-ALDF 2C-12.
 - D. American Correctional Association, Standards for Adult Correctional Institutions, Fourth Edition, January 2003, Standard 4-4142.
 - E. Administrative Directives 9.6, Inmate Administrative Remedies, 10.1, Inmate Assignment and Pay Plan and 10.20, Correctional Enterprises of Connecticut.

3. **Definitions.** For the purposes stated herein, the following definitions shall apply:
 - A. **Blind.** Refers to an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.
 - B. **Deaf.** Refers to an individual who cannot readily understand spoken language through hearing alone and who may also have a speech defect, which renders speech unintelligible to most people with normal hearing.
 - C. **Disabled Inmate.** An inmate who has a physical or mental impairment that substantially limits one or more major life functions; who has a record or history of such an impairment; or is perceived or regarded as having such an impairment.
 - D. **Major Life Activities.** Function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
 - E. **Mentally Disabled.** Refers to an individual who has a record of, or is regarded as having one or more mental disorders, as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders.

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- F. Physically Disabled or a Person with a Physical Disability. Refers to a individual who has a chronic physical infirmity or impairment, whether congenital or resulting from bodily injury, organic processes or changes from illness, including but not limited to, epilepsy, deafness or hearing impairment or reliance on a wheelchair or other remedial appliance or device.
 - G. Qualified Individual with a Disability. An individual with a disability who, with the assistance of a reasonable accommodation, is able to meet the essential eligibility requirements for the receipt of services or the participation in programs or activities.
 - H. Qualified Sign Language Interpreter. Sign language interpreter certified by the National Registry of Interpreters for the Deaf or approved by the Connecticut Commission for the Deaf and Hearing Impaired.
 - I. Reasonable Accommodation. Any change in the environment or the manner in which tasks are completed that enables a qualified individual with a disability to participate in a program or service. Such accommodation shall not impose undue hardship on the Department or compromise the safety or security of staff, inmates or any facility.
 - J. Substantially Limit. The impairment implies a significant barrier in the performance of a major life activity.
4. Department A.D.A. Director. The Director of Programs and Treatment shall appoint an A.D.A. Director who shall be knowledgeable regarding the A.D.A. to coordinate the requirements of the A.D.A. The duties of the A.D.A. Director shall include, but not be limited to, the following:
- A. Develop procedures for the prevention of discrimination against qualified inmates with disabilities.
 - B. Analyze the Department's administrative directives, unit directives, policies and procedures and recommend changes to assist in compliance with the A.D.A.
 - C. In consultation with facility and Department Administrators, coordinate the planning and purchasing of adaptive equipment for qualified inmates with disabilities.
 - D. In consultation with the Director of Facilities Management and Engineering Services recommends structural changes, where warranted, to comply with A.D.A. requirements.
 - E. In consultation with the Director of Offender Classification and Population Management, take steps to enable qualified inmates with disabilities to be placed in facilities appropriate for given disabilities consistent with safety and security.
 - F. Coordinate with outside service providers the provision of reasonable accommodation for qualified inmates with disabilities consistent with safety and security.
 - G. Coordinate training for all staff on the requirements of this Directive.
 - H. Provide assistance to staff, including Unit A.D.A. Coordinators in determining whether and how accommodations may be provided.
 - I. Facilitate ongoing training for Unit A.D.A. Coordinators.
 - J. Review monthly unit reports related to A.D.A. activity and

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compile statistics for a monthly composite report to the Director of Programs and Treatment.

5. Unit A.D.A. Coordinator. Each Facility and Community Enforcement Administrator shall appoint a manager to act as Unit A.D.A. Coordinator who shall be trained in the requirements of this Directive and those A.D.A. requirements that are relevant to the Unit Coordinator's duties. The duties of the Unit A.D.A. Coordinator shall include, but not be limited to, the following:
 - A. Review proposed and existing unit directives, policies procedures to assess compliance with Departmental guidelines. Provide recommendations to the Unit Administrator for potential corrective action.
 - B. Receive copies of all inmate grievances which relate to A.D.A. issues and conduct initial processing of all Requests for Reasonable Accommodation, CN 101902.
 - C. In consultation with the Unit Administrator, the A.D.A. Coordinator shall resolve requests for accommodation by arranging for:
 1. necessary evaluation by qualified experts;
 2. transfers to appropriate correctional facilities; and
 3. A.D.A. required auxiliary aids as required, consistent with the professional evaluation of the disability.
 - D. Ensure adequate copies of the attachments to this Directive are available in each facility housing unit.
 - E. Ensure appropriate documentation on reasonable accommodation is maintained in the inmate's master file.
 - F. Notify unit staff of disability accommodation and any advisable modification of unit procedure and in accordance with section 7.
 - G. Submit reports to the Unit Administrator and the Department A.D.A. Director as required.
6. Inmate Admission and Orientation.
 - A. Classification and Health Services staff members shall, as a component of the facility orientation process, ask each newly admitted inmate if they require a reasonable accommodation. The inmate shall be provided with CN 101901, Inmates with Disabilities Notice of Rights Under the Americans with Disabilities Act and CN 101902, Request for Reasonable Accommodations. Inmates shall be advised of their rights to reasonable accommodations, the method for requesting such accommodation and the procedures for seeking an administrative remedy of a denial or modification of such requested accommodation. The inmate shall be required to complete the Request for Reasonable Accommodations indicating whether or not the inmate requests accommodation.
 - B. In accordance with and in addition to the above, if an inmate, upon admission to the Department of Correction, appears to meet the definition of Chronic Mental-Impairment, Deaf, Blind, or other physical disability that limits access to programs and services in the facility, the following steps shall be followed:
 1. Inmates who are clearly deaf, blind, or have other physical disabilities that significantly limit access to programs and services in the facility, shall be transferred to an appropriately designated facility within 72 hours of admittance for assessment and

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classification consistent with safety and security. The determination for transfer shall be made by the CMHC Health Services Supervisor. During assessment and classification, the inmate shall be provided with CN 101901, Inmates with Disabilities Notice of Rights Under the Americans with Disabilities Act and CN 101902, Request for Reasonable Accommodations by health services staff or qualified sign language interpreter for the deaf or hard of hearing inmates who know sign language. Inmates shall be advised of their rights to reasonable accommodations which may include a qualified sign language interpreter or other auxiliary aids, services and devices, the method for requesting such accommodation and the procedures for seeking an administrative remedy of a denial or modification of such requested accommodation. The inmate shall be required to complete the Request for Reasonable Accommodations indicating whether or not the inmate requests accommodation.

2. Any inmate newly received into the custody of the Department of Correction who appears to meet the definition for Chronic Mental Impairment shall be transferred to appropriately designated facility within 72 hours of admission for assessment and classification consistent with safety and security. The determination for transfer shall be made by the CMHC Supervising Psychologist or designee. Upon arrival, inmates shall be advised of their rights to reasonable accommodations, the method for requesting such accommodation and the procedures for seeking an administrative remedy of a denial or modification of such requested accommodation. The inmate shall be required to complete the Request for Reasonable Accommodations indicating whether or not the inmate requests accommodation.

- C. In accordance with the above, if an inmate requests reasonable accommodations, a Release of Information shall be signed by the inmate authorizing health services staff to obtain and review all relevant medical history for continuity of care and to determine extent and origin of the disability and need for accommodations for the inmate. The Unit A.D.A. Coordinator shall make arrangements with the CMHC Nursing Supervisor for evaluation by qualified experts (e.g. audiologist, ophthalmologist etc.) if necessary to verify any functional impairment and determine the need for reasonable accommodation. As a result of the review and assessment, reasonable accommodations shall be developed if required by the A.D.A. All recommendations for reasonable accommodations shall be made by the CMHC Health Services Supervisor and be forwarded to the Unit A.D.A. Coordinator, who will review the recommendations for the potential impact on safety and security. Modifications to the recommendations due to safety and security concerns will be forwarded to the Unit Administrator for final disposition.

7. Reasonable Accommodation Efforts. Reasonable efforts shall be made to provide reasonable accommodation throughout the inmate's incarceration. Documentation of the initial determination as described in this section shall be maintained in section 6 of the inmate's master file. Appropriate reasonable accommodation may differ depending on the ability of the inmate and the nature of the program or activity in question.

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- A. A request for reasonable accommodations may include the following and shall be forwarded to the ADA Coordinator immediately to handle in accordance with section 6, above:
 1. an oral or written request to any staff person, or
 2. request for assistance or expressions of difficulty in communication or understanding by deaf or hard of hearing inmates or inmates with mental impairment.
 - B. Requests shall be acted upon within two (2) business days or less if necessary.
 - C. If the request is denied, the inmate shall be notified in writing and advised of the right to review the disposition directly with the Unit A.D.A. Coordinator. Upon such request, the Unit A.D.A. Coordinator shall meet with the inmate within 24 hours and render a subsequent decision within one (1) week. If the disposition has not changed, the inmate shall be advised of the right to appeal the decision in accordance with 9.6, Inmate Administrative Remedies.
8. Appeal. An inmate may appeal decisions concerning a request for reasonable accommodation in accordance with Administrative Directive 9.6, Inmate Administrative Remedies. A copy of such appeals and all decisions rendered regarding the appeal shall be forwarded to the Department A.D.A. Director.
 9. Facility Placement. In addition to all other factors considered by the Department in making institutional or community assignments of inmates, consideration may be given, consistent with security factors, to facilities and programming available at various institutions or community residential programs to accommodate an inmate's particular disabilities. The Director of Offender Classification and Population Management shall ensure that a facility at each security level is available for reasonable accommodation. Any documentation submitted relating to a transfer of a disabled inmate shall clearly indicate that the inmate is disabled and include what level of accommodation and resulting services are required.
 10. Inmate Work Programs. No qualified inmate with a disability shall be discriminated against from participation in work programs. The Department shall make reasonable accommodation to the known disability of qualified inmate applicants consistent with safety and security. Accommodations that exceed the requirements of the A.D.A. shall not be provided. Compensation and assignment shall be in accordance with Administrative Directives 10.1, Inmate Assignment and Pay Plan and 10.20, Correctional Enterprises of Connecticut.
 11. Suspensions During Emergency or to Further Legitimate Penological Interests. In an emergency or disruption of normal institutional operation, or in furtherance of the legitimate penological interests of a facility or the Agency, any provision or section of this Directive may be suspended, for any inmate or all inmates, by the Commissioner or designee.
 12. Unit Directives. Each Unit Administrator and Community Enforcement Director shall develop unit directives in order to address the needs of inmates with disabilities at the local level.
 13. Auxiliary Aids and Services. Unless legitimate penological interests warrant otherwise, auxiliary aids and services shall be

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provided to assist an inmate in the following areas:

- A. Educational/Vocational activities;
- B. Appeal procedures;
- C. Administrative or disciplinary proceedings to include protective custody and restrictive status hearings;
- D. Orientation and classification proceedings;
- E. Mental Health Counseling; and
- F. Medical Services.

14. Assistance Devices for Blind, Visually Impaired, Deaf and Hearing Impaired. The following assistance devices will be made available as needed:

A. Deaf and Hearing Impaired.

- 1. TDD/TTY for telephone use - access to TDD/TTY shall be equivalent to access to telephones by hearing inmates except that additional time for each call shall be allotted because the assistance devices take additional time to communicate through the system;
- 2. Amplified telephone handsets;
- 3. Closed caption television/VCR decoder;
- 4. Sound amplification and assistance listening devices;
- 5. Sound signals and flashing alarms;
- 6. Visual smoke alarms;
- 7. Hearing aids and batteries; and
- 8. Any other item that might be required.

Oral announcements and commands, whether through public address system or other means, shall be communicated to the deaf and hard of hearing inmates in a manner which can be understood. Deaf and hard of hearing inmates shall not be disciplined for failure to obey an order or rule which may not have been communicated to the inmate at all or in a manner which could be understood by a deaf or hard of hearing inmate.

The facility shall ensure that visual alarms or manual means of notifying deaf or hard of hearing inmates of such things as emergencies, counts, and announcements shall be utilized whenever and wherever the inmate may be in the facility.

B. Blind and Visually Impaired.

- 1. Large Print Books;
- 2. Books on tape;
- 3. Escorts;
- 4. Orientation and Inmate Handbook in braille or large print, as needed;
- 5. Cane; and
- 6. Any other item that might be required.

The facility shall ensure that an escort be provided for visually impaired inmates during an emergency or any type of movement, as necessary.

15. Training. The Director of Training and Staff Development shall develop an A.D.A. training curriculum for all Departmental employees and direct contact contract employees. All new employees shall receive A.D.A. training as a component of pre-service training. Existing employees shall receive A.D.A. training as a component of annual in-service training.

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16. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for the intended function:
1. CN 101901, Notice of Rights Under the Americans with Disabilities Act
 2. CN 101902, Request for Reasonable Accommodations
17. Exceptions. Any exception to the procedures in this Directive shall require the prior written approval from the Commissioner.